

الأربعون الفقهية

في أحكام النساء

*Forty Hadith*

*on Rulings Pertaining  
to Women*

Taught by

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**Sunday's after Dhuhr  
via Zoom**



النكاح  
Marriage

# بِجَوَازِ عَرْضِ الْمَرْأَةِ نَفْسَهَا عَلَى الرَّجُلِ الصَّالِحِ

## The Permissibility of a Woman Offering Herself In Marriage To a Righteous Man

عَنِ أَنَسٍ: جَاءَتْ امْرَأَةٌ إِلَى رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ تَعْرِضُ عَلَيْهِ نَفْسَهَا  
قَالَتْ يَا رَسُولَ اللَّهِ إِلَيَّ حَاجَةٌ، فَقَالَتْ بِنْتُ أَنَسٍ مَا أَقْلَ حَيَاءَهَا وَإِسْوَاتَاهُ  
وَإِسْوَاتَاهُ. قَالَ هِيَ خَيْرٌ مِنْكَ رَغِبَتْ فِي النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَعَرَضَتْ عَلَيْهِ  
نَفْسَهَا.

Anas said, "A woman came to Allah's Apostle and presented herself to have you any need for me (i.e., (ﷺ) him, saying, 'O Allah's Messenger would you like to marry me)?" "Thereupon Anas's daughter said, "What a shameless lady she was ! Shame! Shame!" Anas said, "She was better so she presented herself (ﷺ) than you; she had a liking for the Prophet ".for marriage to him

## استئذان المرأة في النكاح

## Seeking a women's permission in marriage

عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «لَا تُنْكِحُ الْإِيمَانُ حَتَّى تَسْتَأْمَرَ وَلَا تُنْكِحَ الْبِكْرُ حَتَّى تَسْتَأْذِنَ». قَالُوا: يَا رَسُولَ اللَّهِ وَكَيْفَ إِذْنُهَا؟ قَالَ: «أَنْ تَسْكُتَ»

Abu Huraira reported Allah's Messenger as saying, "A woman without a husband\* must not be married till she is consulted, and a virgin must not be married till her permission is asked." When asked how her permission was indicated he replied that it was by her saying nothing.

[illegible]



مَا تَسْتَحِقُّهُ الْبِكْرُ وَالثَّيْبُ مِنْ إِقَامَةِ الزَّوْجِ عِنْدَهَا عُقْبَ الزِّفَافِ

What the virgin and the previously married woman are entitled to from the husband's residence after the wedding

وَعَنْ أَنَسٍ قَالَ : { مِنْ السُّنَّةِ إِذَا تَزَوَّجَ الرَّجُلُ الْبُكَرَ عَلَى الثَّيْبِ أَقَامَ عِنْدَهَا سَبْعًا ، ثُمَّ قَسَمَ ، وَإِذَا تَزَوَّجَ الثَّيْبَ أَقَامَ عِنْدَهَا ثَلَاثًا ، ثُمَّ قَسَمَ } .

Narrated Anas: It is from the Sunnah that when a man who has a wife marries a virgin, he should spend with her seven nights, and thereafter divide time between them (equally). And if he marries a formerly married woman he should spend with her three nights and thereafter divide the time between his wives (equally).

[illegible]

عَدَمُ جَوَازِ الْجَمْعِ بَيْنَ الْمَرْأَةِ وَعَمَّتِهَا أَوْ خَالَتِهَا فِي النِّكَاحِ

## Impermissibility of marrying both a woman and her aunt

عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «لَا يَجْمَعُ بَيْنَ الْمَرْأَةِ  
وَعَمَّتِهَا وَلَا بَيْنَ الْمَرْأَةِ وَخَالَتِهَا»

Abu Huraira reported Allah's Messenger as saying, "A man may not marry a woman and her paternal aunt, or a woman and her maternal aunt."

This image shows a full page of white paper with horizontal grey ruling lines. In the upper right-hand corner, there is a faint, artistic illustration of a pink rose with green leaves and a stem. The rest of the page is empty except for the lines.



# الطلاق Divorce

خُطُورَةُ طَلَبِ الْمَرْأَةِ الطَّلَاقَ دُونَ سَبَبٍ

## Warning against women who seek divorce without reason

عَنْ ثَوْبَانَ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «أَيُّمَا امْرَأَةٍ سَأَلْتَ زَوْجَهَا طَلَاقًا فِي غَيْرِ مَا بَأْسٍ فَحَرَامٌ عَلَيْهَا رَائِحَةُ الْجَنَّةِ»

Thauban reported Allah's Messenger as saying, "If any woman asks her husband for divorce without some strong reason the odour of paradise will be forbidden to her."

[illegible]

حَقُّ خَلْعِ الْمَرْأَةِ لَزَوْجِهَا

## The right of a woman to seek Khul' from her husband

عَنِ ابْنِ عَبَّاسٍ: أَنَّ امْرَأَةً ثَابِتِ بْنِ قَيْسٍ أَتَتْ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَتْ: يَا رَسُولَ اللَّهِ ثَابِتُ بْنُ قَيْسٍ مَا أَعْتَبَ عَلَيْهِ فِي خَلْقٍ وَلَا دِينٍ وَلَكِنِّي أَكْرَهُ الْكُفْرَ فِي الْإِسْلَامِ فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «اتْرُدِيْنِ عَلَيْهِ حَدِيقَتَهُ؟» قَالَتْ: نَعَمْ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «اقْبَلِ الْحَدِيقَةَ وَطَلِّقْهَا تَطْلِيقَةً»

Ibn ‘Abbas told that the wife of Thābit b. Qais came to the Prophet and said, “Messenger of Allah, I do not reproach Thabit b. Qais in respect of character or religion, but I do not want to be guilty of ingratitude regarding Islam.” God’s Messenger asked her if she would give him back his garden, and when she replied that she would, he told him to accept the garden and make one declaration of divorce.

## Women's mourning period

عَنْ أُمِّ عَطِيَّةَ، قَالَتْ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: " لَا تَحِدُّ امْرَأَةٌ عَلَى مَيِّتٍ فَوْقَ ثَلَاثٍ إِلَّا عَلَى زَوْجٍ فَإِنَّهَا أَرْبَعَةُ أَشْهُرٍ وَعَشْرًا وَلَا تَلِيسَ ثَوْبًا مَصْبُوغًا إِلَّا ثَوْبَ عَصَبٍ وَلَا تَكْتَحِلْ وَلَا تَمْسُ طَيِّبًا إِلَّا إِذَا طَهَرْتَ نَبْذًا مِنْ قَسْطٍ وَأُظْفَارٍ "

Umm 'Atiyyah said the Prophet peace be upon him said: "No deceased person should be mourned for more than three days, except a woman should mourn for her husband for four months and ten days, and she should not wear dyed clothes, except for a garment of 'Asb, and she should not wear kohl or perfume, except at the beginning of her purity, when she may apply a little Qust and Azfar."

جَوَازُ خُرُوجِ الْمُعْتَدَةِ فِي النَّهَارِ لِحَاجَتِهَا

## Permissibility of a woman leaving her house during her mourning period for a need

وَعَنْ جَابِرٍ قَالَ: طَلَّقْتُ خَالَتِي ثَلَاثًا فَأَرَادَتْ أَنْ تَجِدَ نَحْلَهَا فزَجَرَهَا رَجُلٌ أَنْ تَخْرُجَ فَأَتَى النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ: «بَلَى جَدِّي نَحْلُكَ فَإِنَّهُ عَسَى أَنْ تَصَدَّقَ أَوْ تَفْعَلَ مَعْرُوفًا» .

Jabir said: My maternal aunt was divorced by three utterances of the divorce and wanted to cut down fruit from her palm-trees, but a man forbade her to go out, so she went to the Prophet and he said, "Certainly, cut down fruit from your palm-trees, for perhaps you may give sadaqa or do an act of kindness."

[illegible]

## يَحْرُمُ مِنَ الرِّضَاعَةِ مَا يَحْرُمُ مِنَ الْوِلَادَةِ

The mahram from milk kinship is the same as the mahram from blood kinship

أَنَّ عَائِشَةَ، أَخْبَرَتْهَا أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ كَانَ عِنْدَهَا وَأَنَّهَا سَمِعَتْ صَوْتَ رَجُلٍ يَسْتَأْذِنُ فِي بَيْتِ حَفْصَةَ . قَالَتْ عَائِشَةُ فَقُلْتُ يَا رَسُولَ اللَّهِ هَذَا رَجُلٌ يَسْتَأْذِنُ فِي بَيْتِكَ . فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ " أَرَاهُ فَلَانًا " . لَعِمَ حَفْصَةُ مِنَ الرِّضَاعَةِ .

(ﷺ) A'isha (Allah be pleased with her) reported tha Allah's Messenger was with her and she heard the voice of a person seeking permission to :enter the house of Hafsa. 'A'isha (Allah he pleased with her) said Allah's Messenger, he is the person who seeks permission to enter your house, whereupon Allah's Messenger (ﷺ) said: I think he is so and so (uncle of Hafsa by reason of fosterage).

حَضَانَةُ الْوَلَدِ مِنْ حَقِّ الْمَرْأَةِ مَا لَمْ تَتَزَوَّجْ

The custody of a child is the right of the mother so long as she does not remarry

عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو رَضِيَ اللَّهُ عَنْهُمَا؛ أَنَّ امْرَأَةً قَالَتْ: { يَا رَسُولَ اللَّهِ! إِنَّ ابْنِي هَذَا كَانَ بَطْنِي لَهُ وَعَاءٌ، وَثِدِّي لَهُ سِقَاءٌ، وَجَجْرِي لَهُ حَوَاءٌ، وَإِنْ أَبَاهُ طَلَّقْنِي، وَأَرَادَ أَنْ يَنْتَزِعَهُ مِنِّي، فَقَالَ لَهَا رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - "أَنْتِ أَحَقُّ بِهِ، مَا لَمْ تَنْكِحِي".

Narrated 'Abdullah bin 'Amr: A woman said, "O Allah's Messenger, this son of mine: my womb was a receptacle for him, my breasts were a source of suckling for him, and my lap was a place for him to curl up in, yet his father has divorced me and wants to take him away from me." Allah's Messenger (ﷺ) replied to her, "You have more right to him as long as you do not remarry."

[illegible]